

TENTATIVE RULING

ISSUED BY JUDGE LAURA S. TAYLOR

Debtor: PEPPERTREE PARK VILLAGES 9 AND 10, LLC

Number: 17-05137-LT11

Hearing: 10:00 AM Thursday, August 4, 2022

Motion: MOTION TO WITHDRAW AS ATTORNEY OF RECORD  
FOR REORGANIZED DEBTORS FILED ON BEHALF OF NORTHERN  
CAPITAL, INC., PEPPERTREE LAND COMPANY, PEPPERTREE PARK  
VILLAGES 9 AND 10, LLC, DUANE SCOTT URQUHART

Hear. Higgs, Fletcher, and Mack, LLP, moves to withdraw from its representation of Debtors Urquhart, Northern Capital, Peppertree Land Company, and Peppertree Park Villages 9 and 10 after the lead attorney, Paul Leeds, left the firm. HFM argues: (1) cause to withdraw exists because no attorney remains who has the knowledge of the case to adequately represent Debtors; (2) Debtors have breached their agreement with the firm as they have an unpaid balance; and (3) the firm provided notice to Debtors on June 10, 2022. Dkt. No. 844.

The Trustee opposes to the extent that the withdrawal would leave Peppertree Park Villages 9 and 10, LLC, without any counsel. Dkt. No. 867. Based on representations from Mr. Leeds at an August 2, 2022, hearing, however, this concern appears resolved. Mr. Leeds has agreed to act as chapter 7 counsel.

The Court has discretion to grant an attorney's motion to withdraw based on: "(1) the reasons why withdrawal is sought; (2) the prejudice withdrawal may cause to other litigants; (3) the harm withdrawal might cause to the administration of justice; and (4) the degree to which withdrawal will delay the resolution of the case." *Krivilavek v. BeavEx Inc.*, 2021 WL 5855259, at \*2 (E.D. Cal. Nov. 16, 2021). The Court is inclined to permit HFM to withdraw on the grounds that no attorney remaining at the firm was meaningfully involved in this case. As Mr. Leeds will take on the representation, there is no prejudice. The Court sees no potential for harm to the administration of justice or for additional delay.